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FILED
MAY 13 1981
ALEXANDER L. STEVAS,
CLERK

NO. 80-1985

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

JOSEPH M. KADANS,

Petitioner,

v.

SAMUEL S. LIONEL, ET AL

Respondents.

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APPENDIX

ACCOMPANYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

JOSEPH M. KADANS
5010 N. Ridge Club Drive,
Las Vegas, Nv. 89103
(702) 873-4542

PETITIONER IN PRO SE

APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NO. 78-2500

(LV 76-128)

FILED NOV. 26, 1980

JOSEPH M. KADANS,

Plaintiff-Appellant,

v.

SAMUEL S. LIONEL, et al.,

Defendants-Appellants.

Appeal from the United States District Court for the District of Nevada, Roger Foley, District Judge, Presiding.

Submitted 10/27/80

Before: BROWNING, DUNIWAY, AND KENNEDY, Circuit Judges.

MEMORANDUM

The orders of the court denying the motion to strike and denying the leave to file an amended complaint are interlocutory orders and not appealable. 9 Moore's Federal Practice Sec. 110.07,

at 108 (2d ed. 1980).

We cannot say that the district court abused its discretion in declining to issue a preliminary injunction. City of Anaheim v. Kleppe, 590 F. 2d 285, 288 n. 4 (9th Cir. 1978). Even assuming that there is jurisdiction in the case, a question as to which there is substantial doubt in view of Brown v. Board of Bar Examiners, 623 F. 2d 605, 609 (9th Cir. 1980), the district court properly denied the injunction because the likelihood of Kadans' prevailing on the merits was slight. See id.; Santos v. Alaska Bar Association, 610 F. 2d 575 (9th Cir. 1980); Hackin v. Lockwood, 361 F. 2d 499 (9th Cir.), cert. denied, 385 U.S. 960 (1966).

The order denying the preliminary injunction is AFFIRMED.

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APPENDIX B

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 78-2500

DC LV 76-128

JOSEPH M. KADANS,
Appellant,
vs.
SAMUEL S. LIONEL, et al.,
Defendants.

Appeal from the United States District Court for the District of Nevada

Before: BROWNING, Chief Judge, DUNIWAY AND KENNEDY, Circuit Judges.

ORDER - FILED FEB.18, 1981

The panel as constituted in the above case has voted to deny the petition for rehearing. Judges Browning and Kennedy have voted to reject the suggestion for a rehearing en banc, and Judge D-niway has recommended rejection of the suggestion for rehearing en banc.

APPENDIX B - Continued

The full court has been advised of the suggestion for en banc hearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35 (b).

The petition for rehearing is denied and the suggestion for a rehearing en banc is rejected.

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APPENDIX C

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

JOSEPH M. KADANS,

Plaintiff

v.

SAMUEL S. LIONEL, et al

Defendants.

ORDER DENYING MOTIONS TO STRIKE

The Motion to Strike certain portions of the Answer filed by Defendants Samuel S. Lionel, Frank Fahren-

kopf, Howard McKibben, David Hagen, Thomas Beatty and Maurice Sullivan filed March 23, 1978, and the Motion to Strike certain matter contained in Motion to Dismiss and for Summary Judgment of DefendantsCameron M. Batjer, E. M. Gunderson, John Mowbray, Gordon R. Thompson and David Zenoff filed April 27, 1978 having come on for hearing on May 25, 1978, and the Court having heard arguments of counsel for the respective parties and having considered the written briefs, it is hereby

ORDERED that the Motion to Strike filed March 23, 1978 by the Plaintiff be, and the same hereby is denied.

DATED: May 30, 1978.

(signed)Joseph L. Ward

UNITED STATES MAGISTRATE

Submitted by:

Deckley, Singleton, De Lanoy & Jemison, Chartered

By Rex A. Jemison

APPENDIX C - Continued.

Attorney for Defendants Samuel S. Lionel, Frank Fahrenkopf, Howard McKibben, David Hagen, Thomas Beatty, Maurice Sullivan 1000 First National Bank Building, Las Vegas, Nevada 89101.

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APPENDIX D

DISTRICT OF NEVADA

Las Vegas, Nevada

Joseph M. Kadans,
Plaintiff
vs.
Samuel S. Lionel, et al,
Defendants.

CIVIL-LV 76-128,RDF

MINUTES OF THE COURT

DATED: July 6, 1978

Present: Hon. Roger D. Foley, District Judge

Deputy Clerk: Linda Lee Sharer

Reporter: None appearing

APPENDIX D - Continued.

Counsel for Plaintiff: NONE APPEARING

Counsel for Defendant: NONE APPEARING

MINUTE ORDER IN CHAMBERS

IT IS ORDERED that the following listed motions are denied:

1. Plaintiff's motion to strike, filed April 27, 1978.

2. Plaintiff's motion for leave to file amended complaint, filed June 5, 1978.

3. Plaintiff's motion for a temporary injunction, filed June 13, 1978.

IT IS FURTHER ORDERED that the plaintiff's objections to the ruling of the United States Magistrate, filed June 8, 1978, are overruled.

IT IS FURTHER ORDERED that the plaintiff and counsel shall have to and including July 17, 1978, within which to advise this Court in writing if they are willing to waive oral argument on the motion to dismiss and for summary judgment, filed April 10, 1978, on behalf of defendant

APPENDIX D - Continued.

Batjer, Gunderson, Mowbray, Thompson and Zenoff.

ENTERED July 6, 1978, Clerk U. S. District Court by Loraine Morphy, Deputy.

Carol C. Fitzgerald, Clerk

By: Linda Lea Sharer, Deputy Clerk.